

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 390

Case No. 82-10/79-18M

November 15, 1982

The application in Case No. 82-10/79-18M is a request from the Judiciary Center Limited Partnership, and Joseph J. & Raphael G. Urciolo to modify Zoning Commission Order No. 311. The applicants request the modification to permit the following:

1. Advertising signs to face on Fourth Street, and on F Street at the bay closest to Fourth Street to note the presence of retail uses, and
2. Direct access to the retail and service uses from Fourth Street, and from F Street at the two bays closest to Fourth Street.

Zoning Commission Order No. 311 granted approval to Case No. 79-18/78-15F, Final Planned Unit Development (PUD) and Map Amendment from SP-2 to C-3-C for various lots in Square 531, subject to certain development conditions, guidelines and standards. The subject site is bounded by Third, Fourth, E, and F Streets, N.W.

Z.C. Order No. 311 was subsequently modified by Z.C. Order No. 370 which granted approval to change the color and type of the exterior window glass.

The Office of Planning and Development (OPD), by preliminary report dated November 4, 1982, recommended that the Zoning Commission set the application for public hearing. The OPD reported that "the proposed modifications in Zoning Commission Order No. 311 are requested to improve access and visibility to the retail space at the first floor of the building. The appearance of the proposed elements would be controlled by the planned unit development process so that the integrity of the area is not impaired."

The Commission notes that the relief sought by this application directly affects issues that were discussed and imposed as development constraints by the Commission in Z.C.

Order No. 311, specifically access and display signs related to retail and service uses at Judiciary Square.

The Commission further notes that no significant development changes or constraints have transpired since the adoption of Z.C. Order No. 311, and that there has been no compelling demonstration by the applicant to warrant a modification to that order.

The Commission is mindful that it had accepted certain guidelines associated with the Judiciary Square Master Plan relative to commercial uses and access thereto from Judiciary Square when it originally considered the subject PUD and a similar PUD on the opposite side of Judiciary Square.

The Commission believes that the applicant has failed to demonstrate that the application has sufficient merit to be set for public hearing, and that the rationale of the applicant is insufficient to warrant further consideration by the Commission.

The Commission notes that Advisory Neighborhood Commission-2C, submitted no written report to the Commission.

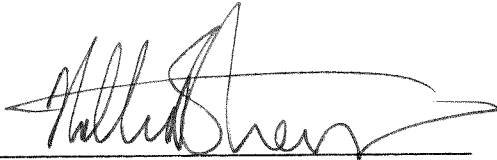
The decision to deny the application without a public hearing was made at the public meeting of November 15, 1982. Prior to the issuance of this order, on January 17, 1983, the Commission considered a letter from counsel to the applicant dated December 16, 1982. The applicant requested permission to present facts supporting the granting of a public hearing.

The Commission believes that the letter presents no additional issues or information that had not previously been considered when the application was before the Commission on November 15, 1982. The Commission reiterates its belief that its decision to impose the condition regarding signs and access was a serious condition imposed for protection of the character of Judiciary Square. Nothing presented by the applicant provided a sufficient rationale to warrant changing that condition.

Based on the foregoing reasons, the Zoning Commission therefore hereby orders that this application (Z.C. Case No. 82-10/79-18M) to modify Z.C. Order No. 311, be DENIED without a hearing and that the applicant's request to make a further presentation also be DENIED.

Vote of the Commission at its public meeting on November 15, 1982: 3-1 (Lindsley Williams, George M. White and John G. Parsons to deny without a hearing - Walter B. Lewis, opposed and Maybelle T. Bennett, not present not voting).

Vote of the Commission at its public meeting of January 17, 1983 to deny the request to permit an oral presentation: 3-2 (John G. Parsons, Lindsley Williams and Walter B. Lewis, to deny the request - George M. White and Maybelle T. Bennett, opposed to the motion).



WALTER B. LEWIS
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

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